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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-----------------------|
| 10/694,141 | 10/27/2003 | Matt R. Hogstrom | RSW920030188US1 | 3273 |
| 23550 | 7590 | 08/20/2008 | EXAMINER | |
| HOFFMAN WARNICK LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207 | | | | SALL, EL HADJI MALICK |
| ART UNIT | | PAPER NUMBER | | |
| 2157 | | | | |
| NOTIFICATION DATE | | | DELIVERY MODE | |
| 08/20/2008 | | | ELECTRONIC | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/694,141 | HOGSTROM ET AL. | |
| | Examiner | Art Unit | |
| | EL HADJI M. SALL | 2157 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 May 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is responsive to the amendment filed on May 8, 2008. Claims 1, 5, 8, 10, 11, 19 and 20 are amended. Claims 1-22 are pending. Claims 1-22 represent method, system and program product for communicating over a network.

2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6, 10, 13-18 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Harding U.S. 7,200,636.

Harding teaches the invention as claimed including method and apparatus for applying personalized rules to e-mail message at an e-mail server (see abstract).

As to claims 1, 10, 15 and 20, Harding teaches a method, a system and a program product stored on a recordable medium for communicating over a network, the method comprising:

obtaining a set of rules for classifying messages on a client (column 2, lines 22-23, Harding discloses filtering out unwanted messages (i.e. "a set of rules for classifying messages"));

providing a message on the client to be sent to a server (column 4, lines 1-3, Harding discloses pseudo-client storing rules for handling messages for users. Such rules are "messages on the client to be sent to the server");

classifying the message on the client based on the set of rules (figure 5, Harding discloses filtering out unwanted email messages (i.e. "classifying the message") based on personalized rules); and

sending the message to the server based on the message classification (figure 6), wherein the message classification determines how the message is routed for processing at the server (column 4, lines 17-21).

As to claim 2, Harding teaches the method of claim 1, wherein the providing step comprises generating the message (column 5, line 17).

As to claims 3, 14, 18 and 22, Harding teaches the method of claims 1, 10 and 15, further comprising periodically requesting an updated set of rules from the server (column 1, lines 47-49).

As to claim 4, Harding teaches the method of claim 1, wherein the classifying step includes matching an attribute of the message with at least one of the set of rules (column 5, lines 37-38).

As to claims 6 and 13, Harding teaches the method of claims 1 and 10, further comprising opening a connection with the server for the message (column 4, lines 39-41).

As to claim 16, Harding teaches the system of claim 15, further comprising a plurality of processing systems, wherein each processing system processes messages having a unique message classification (figure 1).

As to claims 17 and 21, Harding teaches the system of claims 15 and 20, further comprising a classification system for classifying messages on a client (figure 5, Harding discloses filtering out unwanted email messages (i.e. "classification system for classifying the message")).

4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 7-9, 11-12 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Harding et al. U.S. 7,200,636 in view of Ogimoto et al. U.S. 6,032,205.

Harding teaches the invention as claimed including method and apparatus for applying personalized rules to e-mail message at an e-mail server (see abstract).

As to claim 5, Harding teaches the method of claim 1
Harding fails to teach explicitly adjusting a port for the message.

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However, Ogimoto teaches crossbar switch system for always transferring normal messages and selectively transferring broadcast messages from input buffer to output buffer when it has sufficient space respectively. Ogimoto teaches adjusting a port for the message (column 4, lines 26-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Harding in view of Ogimoto to provide adjusting a communication protocol port for the message based on the classification prior to the sending step. One would be motivated to do so to allow signal line fit the port.

As to claims 7 and 8, Harding teaches the method of claims 1 and 7, respectively.

Harding fails to teach explicitly a first port.

However, Ogimoto teaches a first port (column 11, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Harding in view of Ogimoto to provide receiving a response message from the server, wherein the classified message and the response message are communicated over a first communication protocol port, and wherein the first communication protocol port is not a default communication protocol port. One would be motivated to do so to allow transmitting the message (abstract).

As to claim 9, Harding teaches the method of claim 1.

Harding fails to teach explicitly a plurality of ports.

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However, Ogimoto teaches separately monitoring a plurality of ports (column 13, lines 43-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Harding in view of Ogimoto to provide separately monitoring a plurality of ports on the server for messages. One would be motivated to do so to allow maintaining the health of the network.

As to claims 11 and 19, Harding teaches the method and the system of claims 10 and 15.

Harding fails to teach explicitly a unique port.

However, Ogimoto teaches a unique port (column 11, lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Harding in view of Ogimoto to provide receiving a classified message from the client through a unique communication protocol port. One would be motivated to do so to allow determine whether the message is a normal message or a broadcast message (column 11, lines 23-24).

As to claim 12, Harding teaches the method of claim 11, further comprising: processing the classified message (column 1, lines 54-56); and sending a response message to the client (column 3, lines 51-53).

6.

Response to Arguments

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

7.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2157

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157